

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH WILLIAMS, #234758,

Petitioner,

Civil No. 07-CV-12897  
Honorable Arthur J. Tarnow

KENNETH ROMANOWSKI,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR RELIEF FROM  
JUDGMENT [dkt. # 14]**

On July 11, 2007, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. The petition raised claims challenging the jurisdiction of the Wayne Circuit Court to try Petitioner for his 1993 conviction for first-degree murder. Respondent filed a motion to transfer the case to the United States Court of Appeals for the Sixth Circuit, arguing that the habeas pleading was a second or successive petition. On August 19, 2008, the Court granted Respondent's motion and entered an Order transferring the matter to the Sixth Circuit Court of Appeals. Petitioner's subsequent request to the Sixth Circuit to authorize this Court to consider Petitioner's second or successive habeas petition was denied. *In re: Kenneth William*, No: 08-2097 (6th Cir. April 30, 2009).

Pending before the Court is Petitioner's motion for relief from judgment. Petitioner asserts that he has discovered new evidence that supports his claim that the state trial court did not acquire jurisdiction to try him. Specifically, Petitioner alleges that on September 22, 2009, his father discovered a copy of an "Amended Felony Information" that substantiate his claims.

A motion under FED. R. CIV. P. 60(b) is properly invoked in habeas cases "where there are extraordinary circumstances, or where the judgment may work an extreme and undue hardship, and should be liberally construed when substantial justice will thus be served." *Cornell v. Nix*, 119 F. 3d 1329, 1332 (8th Cir. 1997).

Petitioner has not met this standard. Even if the Court accepts Petitioner's allegations as true, it would not change the fact that Petitioner requires authorization from the United States Court of Appeals for the Sixth Circuit before this Court has jurisdiction to consider his claims. See, 28 U.S.C. § 2244(b)(3)(A). While the discovery of new evidence in support of his claims may have some bearing on the likelihood of Petitioner successfully moving in the Sixth Circuit for permission to file a second habeas petition under § 2244(b)(2)(B), it does not provide a basis for relief from this Court's Judgment.

Based upon the foregoing, **IT IS HEREBY ORDERED** that Petitioner's Motion for Relief From Judgment [Dkt. # 14] is **DENIED**.

S/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge

Dated: February 16, 2011

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on February 16, 2011, by electronic and/or ordinary mail.

S/Catherine A. Pickles  
Judicial Secretary